Remarks

Claims 1-15 were originally filed with this application. In an Office Action dated June 27, 2005 Applicants were required to elect a single disclosed species for prosecution. On July 27, 2005 a response was sent to the election requirement electing, without traverse, the species in which the disease is gastroesophageal reflux disease. In the present response, claims 1 and 5 have been amended and claims 4 and 6 have been canceled. Claims 2,3, and 7-15 remain as originally filed. No new matter has been added by the amendments presented herein. Reconsideration of the present application in view of the above amendments and following remarks is respectfully requested.

Claim Objections

Claims 1 and 7-15 have been objected to as reciting non-elected subject matter. Applicants have amended claim 1 to a species in which the condition is chosen from ulcers, gastroesophogeal reflux disease, and Zollinger-Ellison Syndrome. Therefore, claim objections for claims 1 and 7-15 have been overcome.

Rejections under 35 U.S.C. §112, First Paragraph

Claims 1, 4, and 7-15 were rejected by the Examiner under 35 U.S.C. §112, First Paragraph, as failing to comply with the written description requirement. According to the Examiner, the claim(s) contain subject matter which was not described in the specification in such as way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. More specifically, the Office Action states that the specification does not describe what conditions are included in the recitation "conditions caused by or contributed to by gastric hypersecretion."

Claim 1 has been amended and the recitation "conditions caused by or contributed to by gastric hypersecretion" has been deleted from the claim. In view of the above amendments, and that claims 7-15 ultimately depend on claim 1, withdrawal of the rejection under 35 U.S.C. §112, First Paragraph is respectfully requested.

Rejections under 35 U.S.C. §112, Second Paragraph

Claims 1-5 and 7-15 were rejected under 35 U.S.C. §112, Second Paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. According to the Examiner, it is unclear if the human being treated has a disease of claim 1 or if the human must have all conditions caused by or contributed to by gastric hypersecretion.

Applicant has amended claim 1 as suggested by the Examiner. Applicant believes this overcomes the indefiniteness rejection.

It is respectfully submitted that the above identified application is now in condition for allowance and favorable reconsideration and allowance of claims 1,2,3, 5, and 7-15 are respectfully requested.

Should the Examiner require clarification of any of the above, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,

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